

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD M. SMITH, et al.,                     )  
                                                           )  
                  Plaintiffs,                     )  
                                                           )  
          and                                     )  
                                                           )  
STATE OF NEBRASKA,                     )  
                                                           )  
                  Plaintiff-Intervenor,        )  
                                                           )  
                  v.                             )  
                                                           )  
MITCH PARKER, et al.,                     )  
                                                           )  
                  Defendants,                     )  
                                                           )  
          and                                     )  
                                                           )  
THE UNITED STATES,                     )  
                                                           )  
                  Defendant-Intervenor.        )  
\_\_\_\_\_  
                                                           )

4:07CV3101

**ORDER**

I consulted by telephone with counsel. With their agreement,

IT IS ORDERED that:

1. This case shall be resolved solely on the evidentiary record established before the tribal court with the following additions:

A. The joint stipulation of the original parties (filing no. [100](#)) shall be considered part of the record.

B. The exhibits attached to the State of Nebraska's complaint (filing no. [107](#)) shall be considered part of the record.

C. Exhibit B (the opinion letter from Berrigan to Wilfahrt dated September 5, 2012) to the United States' Index (filing no. [106-3](#)) shall be considered part of the record.

2. The deadline for the plaintiffs and defendants to submit cross-motions for summary judgment, evidence and supporting briefs is Monday, June 24, 2013.
3. The deadline for Interveners to file briefs in support or in opposition to the Plaintiffs' or Defendants' motions for summary judgment is July 25, 2013.
4. The deadline for Plaintiffs and Defendants to file their respective briefs in opposition to the opposing party's motion for summary judgment and that party's response to the briefs filed by the interveners is August 16, 2013. The deadline for the Interveners to file their respective briefs in opposition to the opposing Intervening party's brief is also August 16, 2013.
5. Reply briefs shall not be filed absent leave of court.

June 19, 2013

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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